THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Civil Misc. Writ Petition (M/S) No.252 of 2006
(Under Article 226/227 of the Constitution of India)

1. Smt. Luxmi Devi W/O Sri Bhagwan Dass Aggarwal
2. Pushpendra Kumar Aggarwal S/O Bhagwan Dass Aggarwal
3. Devvrat Aggarwal (minor) S/O Bhagwan Dass Aggarwal,
   Through his mother and natural guardian Smt. Luxmi Devi,
   Petitioner No. 1 to 3 R/O 91-A Tilak Road, Rishikesh,
   District Dehradun.
4. Shekhar Gupta S/O Lat Sri J.P. Gupta,
   R/O 98 Advaitanand Marg, Rishkesh,
   District Dehradun.

…….. Petitioner.

Versus

1. Civil Judge (Senior Division)
   District Dehradun
2. Munishwar Vedang Vidyalaya, Totadri Math,
   Railway Road, District Dehradun.
3. Munishwar Vedang Mahavidyalaya, Totadri Math
   Railway Road, District Dehradun
4. Rishikesh Truck Owners Union, 353 (Old No.6)
   Haridwar Road Rishkesh, District Dehradun.

…… **Respondents.**

Sri Sharad Sharma, learned counsel for the petitioner.
Sri Nand Prasad, Learned Standing Counsel for the respondent No.1.

Dated March 22, 2006.

PC:
(Hon'ble B.S. Verma, J.)

Heard learned counsel.

The petitioners have filed the present Writ Petition challenging the order dated 2-12-2005 (Annexure No. 6), passed by the respondent no.1 and for a direction to him to decide the petitioner's application for injunction paper no. 22-C1 as well as Original Suit No. 295 of 2005, Luxmi Devi and others Vs. Munishwar Vedang and others, within a stipulated time. By the impugned order, the respondent no. 1 called for objection from the O.P.-defendants against the application under Order 39, Rules 1 and

2 C.P.C. which is still pending for disposal. Aggrieved, the plaintiffs have come up in this Writ Petition.

The record of the case shows that the plaintiff-petitioners filed a suit for injunction, which was registered as Civil Suit No. 295 of 2005 before the trial court. The suit proceeded ex-parte against the respondent nos. 1 and 2 vide order dated 10-11-2005. Therefore, respondent no. 4 moved application for recalling the order dated 10.11.2005. The plaintiff-petitioners filed application of ad interim injunction (Annexure No.3).

In the course of argument, learned counsel for the petitioner submitted that to meet the ends of justice, a direction may be issued to the learned Civil Judge (Senior Division) to decide the application moved by the plaintiff for ad interim injunction (Annexure No. 3) within a period of one month and has also prayed that the Original Suit No. 295 of 2005 be ordered to be decided expeditiously by the respondent no. 1. The prayer is innocuous.

The learned Civil Judge (Sr. Div.) Dehradun is directed to decide the application of the petitioner under Order 39, Rules 1 and 2 C.P.C. preferably within a period of one month form the date of production of certified copy of this order on merit. The respondent no. 1 is further directed to decide the aforesaid Civil Suit No. 295 of 2005 expeditiously preferably within a period of one year.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP